Case 06-10725-gwz Doc 3026 Entered 03/08/07 18:21:53 Page 1 of 8 Electronically filed on March 8, 2007 1 Marc A. Levinson (California Bar No. 57613) Bob L. Olson (Nevada Bar No. 3783) Jeffery D. Hermann (California Bar No. 90445) Anne M. Loraditch (Nevada Bar No. 8164) ORRÍCK, HERRINGTON & SUTCLIFFE LLP 2 BECKLEY SINGLÈTON, CHTD. 400 Capitol Mall, Suite 3000 530 Las Vegas Boulevard South 3 Sacramento, California 95814-4497 Las Vegas, Nevada 89101 (702) 385-3373 Telephone: (916) 447-9200 Telephone: 4 Facsimile: (916) 329-4900 Facsimile: (702) 385-5024 Email: malevinson@orrick.com: Email: bolson@beckleylaw.com: 5 jhermann@orrick.com aloraditch@beckleylaw.com 6 7 Attorneys for Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC 8 9 UNITED STATES BANKRUPTCY COURT 10 DISTRICT OF NEVADA 11 In re: Case No. BK-S-06-10725 LBR USA COMMERCIAL MORTGAGE COMPANY. Case No. BK-S-06-10726 LBR 12 Debtor. Case No. BK-S-06-10727 LBR Case No. BK-S-06-10728 LBR 13 Case No. BK-S-06-10729 LBR USA CAPITAL REALTY ADVISORS, LLC, Debtor. 14 Chapter Number: 11 In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, 15 Jointly Administered Under LLC, Case No. BK-S-06-10725 LBR 16 Debtor. Appeal Ref. No. 07-06 In re: 17 USA CAPITAL FIRST TRUST DEED FUND, LLC, Debtor. 18 In re: APPELLEE'S SUPPLEMENTAL 19 USA SECURITIES, LLC, **DESIGNATION OF RECORD** Debtor. 20 Affects: All Debtors 21 USA Commercial Mortgage Company USA Securities, LLC 22 USA Capital Realty Advisors, LLC × USA Capital Diversified Trust Deed Fund, LLC 23 USA First Trust Deed Fund, LLC 24 Pursuant to Bankruptcy Rule 8006 and Local Rule 8006, the Official Committee of 25 Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC (the "Appellee") 26 hereby submits its Supplemental Designation of Record in connection with the above-referenced 27

appeal as follows:

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2.7		DATE	
No.	DOCKET TEXT	DOCKETED	DOCKET No.
1	Amended Order Approving Debtor's Ex Parte Application for Order Approving Employment of BMC Group, Inc. as the Claims Agent for Debtor's Estate	5/4/2006	149
2	Stipulated Order Re Proofs of Interest	9/15/2006	1293
3	Notice of Entry of Order with Certificate of Service of Stipulated Order re Proofs of Interest	9/22/2006	1348
4	Proof of Interest filed by Margaret B. McGimsey Trust	11/9/2006	Unknown- Docketed with Court-approved noticing agent
5	Proof of Interest filed by Sharon or Jerry McGimsey	11/9/2006	Unknown- Docketed with Court-approved noticing agent
6	Proof of Interest filed by Johnny Clark	11/9/2006	Unknown- Docketed with Court-approved noticing agent
7	Proof of Interest filed by Bruce McGimsey	11/9/2006	Unknown- Docketed with Court-approved noticing agent
8	Debtors' First Amended Disclosure Statement For Debtor's Third Amended Joint Plan of Reorganization	11/15/2006	1798
9	Amended Chapter 11 Plan (Third Amended Chapter 11 Plan of Reorganization)	11/15/2006	1799
10	Notice of Entry of Order Confirming the "Debtors' Third Amended Joint Chapter 11 Plan of Reorganization" as Modified Herein	1/9/2007	2387
11	Declaration of Michael Tucker (in support of Supplemental Brief in Support of Objection to the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC, to Claim Nos. 90, 93, 94, 95, 129, 130, 131, and 136 Filed Against USA Capital Diversified Trust Deed Fund, LLC by McGimseys and Johnny Clark)	1/17/2007	2463

	Case 00 10723 gwz			
1	12 Transcript of initial hearing on Omnibus ORDERED			
2	Objection of the Official Committee of Equity Security Holders of USA Capital			
3	Diversified Trust Deed Fund, LLC To Claims on Equity Misfiled As Proofs of			
4	Claim held January 3, 2007			
5	Copies of the Appellants' Proofs of Interest, items nos. 4 through 7 above, inclusive, are			
6	attached hereto as Exhibit 1 , as they are a part of the record in the above-captioned chapter 11			
7	bankruptcy cases but were filed with the Court-approved noticing agent, BMC Group, Inc.			
8	("BMC") and are not shown on the Court's Claims Register.			
9	DATED this 8th day of March 2007.			
10	BECKLEY SINGLETON, CHTD.			
11	By: (Muel. bradital)			
12	Bob L. Olson (Nevada Bar No. 3783) Anne M. Loraditch (Nevada Bar No. 8164)			

and

Las Vegas, NV 89101

530 Las Vegas Boulevard South

Marc A. Levinson (California Bar No. 57613) Jeffery D. Hermann (California Bar No. 90445) ORRICK, HERRINGTON & SUTCLIFFE LLP 400 Capitol Mall, Suite 3000 Sacramento, CA 95814-4497

Attorneys for the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC

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EXHIBIT 1

APPELLANTS' PROOFS OF INTEREST

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UNITED STATES BANKRÜRTGY COURT DISTRICT OF NEVADA		PROOF OF INTEREST
Name of Debtor:	Case Number:	
USA Capital Diversified Trust Deed Fund LLC	06-10727	
Name of holder of the Equity Interest (The person or entity holding an Equity Interest in the Debtor. Referred to hereinafter as the "Interestholder"): Margaret B. McGinsey Trust	Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of stotement giving particulars. Check box if you have never received any notices from the benkraptcy court or BMC Group in this case. Check box if this address differs from the eddress on the envelope sent to you by the court.	
Telephone Number ()		
NOTE: This form SHOULD NOT be used to make a claim against the Debto Preof of Claim form should be used for that purpose. This torm should only interest in the Debtor. An Equity Interest is any right arising from any capit security in any of the Debtor. An equity security is defined in the Bankfuptic corporation whether or not transferable or denominated stock or similar separation in a limited partnership, or (c) warrant or right other than a right to subscribe to a share, security, or interest of a kintl specified in subparagra	ý be used to assert an Egulty al stock and anny equity cy Code as (a) à share in a scurity (b) interest of a limited convert, to purchase, sell, or	If you have already filed a proof of interest with BMC, you do not need to file again. THIS SPACE IS FOR COURT USE ONLY
Account or other number by which Interestholder identifies Debtor:	Check here if this claim;	
	replaces a previously fil	led Proof of Interest dated:
		ed Proof of Interest dated:
2. Name and Address of any person or entity that is the record holder for the Equity interest asserted in this Proof of Interest: Margaret B. McGimsey Trust c/o William L. McGimsey, Esq. 601 Fast Charleston Blvd. Las Vegas, NV 89104	3. Date Equity Interest was ad 07/16/01 05/01/02 07/01/03	cquirea:
Telephone Number () 4. Total amount of member interest:	5. Certificate number(s):	
\$96,094.75+interest	1	
6. Type of Equity Interest: Please indicate the type of Equity Interest you hold: Check this box if your Equity Interest is based on actual member interest held in the Debtor. Check this box if your Equity Interest is based on anything else and describe that interest:		
7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, to DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available		
8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your proof of interest, enclose a stamped, self-addressed envelope and copy of this proof of interest.		
The original of this completed proof of interest form must be sent by mali or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).		
BMC Group BMC Gr Attn: USACM Claims Docketing Center Attn: US P. O. Box 914 1330 Ea	D OR OVERNIGHT DELIVERY TO: TOUP BACM Claims Docketing Center ast Franklin Avenue ndo, CA 90245	
DATE SIGN and print the name and title, if any, of the interest to file this proof of interest (attach copy of power of the print of th	holder or other person authorized of attorney, if any): William McGimsey	, Esq.

	United States Bankruptcy cour		PROOF OF INTEREST
	DISTRICT OF NEVADA		
Name of Debtor:		Case Number.	
USA Capital Div	ersified Trust Deed Fund LLC	06-10727	
	quity Interest (The person or entity holding an Referred to hereinafter as the "Interestholder"): McGimsey	Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars.	
mengen a mena di manana di		Check box if you have never received any notices from the bankruptcy court or BMC Group in this case.	
e company of the comp		Check box if this address differs from the address on the envelope sent to you by the court.	
Telephone Number ()			
Proof of Glaim form should interest in the Debtor. An it security in any of the Debt corporation whether or no partner in a limited partner	NOT be used to make a claim against the Debto the used for that purpose. This form should only coulty interest is any right arising from any capit or. An equity security is defined in the Bankruph t transferable or denominated stock or similars ship, or (c) warrant or right other than a right to rity, or interest of a kind specified in subparagra	y be used to assert an Equity al stock and any equity by Code as (a) a share in a sourity, (b) interest of a limited convert to purchase, sell or	If you have already filed a proof of interest with BMC, you do not need to file again. THIS SPACE IS FOR COURT USE ONLY
Account or other number by	which Interestholder identifies Debtor:	Check here if this claim:	
		1 🗒	d Proof of Interest dated: d Proof of Interest dated:
2. Name and Address of a	ny person or entity that is the record holder for	3. Date Equity Interest was ac	Contract of the Contract of th
the Equity Interest asserte	d in this Proof of Interest:		06/01/03
Sharon or Jerry c/o William L.	McGimsev. Esa.	01/29/01	08/01/03
601 East Charle	ston Blvd.	10/16/01	
Las Vegas, NV		04/01/02	
Telephone Number ()		-	
4. Total amount of membe	finterest: \$311,091.58+interest	5. Certificate number(s);	
6. Type of Equity		- J	
Please indicate the type	of Equity Interest you hold:		
Check this box if	fyour Equity Interest is based on actual memb	er interest held in the Debtor.	
Chack this kny it	Evour Equity Internet is based on anothing class	a a secular ada a conflicto de la ciga Secular con ce	
Check this box is	Check this box if your Equity Interest is based on anything else and describe that interest:		
	OPENNANDARIN MIRANDARI PERMANDARI SANDARI		ritte for 18 M. S. (B. V. d.) philosophics - households each each each each each each each each
7. SUPPORTING DOCU DO NOT SEND ORIGINA	MENTS: <u>Attach copies of supporting documents</u> , s L DOCUMENTS. If the documents are not available	uch as stock certificates, option ag e, explain. If the documents are vo	reements, warrants etc. oluminous, attach a summary.
8. DATE-STAMPED COR	 PY: To receive an acknowledgment of the filing of this proof of interest. 	your proof of interest, enclose à st	amped, self-addressed envelope and copy of
1 so that it is actually rece	eted proof of interest form must be sent by mail or r ived on or before 5:00 pm, prevailing Pacific Itm is, partnerships, corporations, joint ventures, trusts	a an Mayambar 12 2000 for anot	PTED) THIS SPACE FOR COURT USE ONLY
BY MAIL TO: BMC Group	BY HAND	OR OVERNIGHT DELIVERY TO:	
Attn: USACM Claims Doo P. O. Box 911		oup ACM Claims Docketing Center at Franklin Avenue	
El Segundo, CA 90245-0	911 El Segur	ndo, CA 90245	
DATE	SIGN and print the name and title, if any, of the interesth to file this proof of interest (attach copy, of power of	older or other person authorized fattorney, if any);	
11-9-06	b M.s. W.w	William Y Mor	, <u>, , , , , , , , , , , , , , , , , , </u>

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA		PROOF OF INTEREST
Name of Debtor:	Case Number:	
USA Capital Diversified Trust Deed Fund,	06-10727	
1. Name of holder of the Equity Interest (The person or entity holding an Equity Interest in the Debtor. Referred to hereinafter as the "Interestholder"): Johnny Clank	Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars. Check box if you have never received any notices from the bankruptcy court or BMC Group in this case. Check box if this address differs from the address on the envelope sent to you by the court.	
Telephone Number ()		
NOTE: This form SHOULD NOT be used to make a claim against the Debtor Proof of Claim form should be used for that purpose. This form should only interest in the Debtor. An Equity Interest is any right arising from any capity security in any of the Debtor. An equity security is defined in the Bankrupte corporation whether or not transferable or depondinated stock or similar separtner in a limited partnership, or (c) warrant of right than a right to subscribe to a strare, security, or interest of a kind specified in subparagraph.	/ be used to assert an Equity all stock and any equity y Code as (a) a share in a curity, (b) interest of a limited convert, to burchase sell, or	If you have already filed a proof of interest with BMC, you do not need to file again THIS SPACE IS FOR COURT USE ONLY
Account or other number by which Interesthalder identifies Debtor:	Check here if this claim:	
	replaces a previously fil	ed Proof of Interest dated:
	amends a previously file	ed Proof of Interest dated:
2. Name and Address of any person or entity that is the record holder for	3. Date Equity Interest was ac	equired:
the Equity interest asserted in this Proof of Interest: Johnny Clark c/o William L. McGimsey, Esq. 601 East Charleston Blvd. Las Vegas, NV 89104	01/29/00 07/01/02	
Telephone Number ()		
4. Total amount of member interest: \$99,467.90+interest	5. Certificate number(s):	
6. Type of Equity Interest: Please indicate the type of Equity Interest you hold: Check this box if your Equity Interest is based on actual members.	er interest held in the Debtor.	
Check this box if your Equity Interest is based on anything else and describe that interest:		
 SUPPORTING DOCUMENTS: Attach copies of supporting documents, so DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available 	uch as stock certificates, option a e, explain. If the documents are v	greements, warrants etc. oluminous, atlach a summary.
8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of y this proof of interest.		,
The original of this completed proof of interest form must be sent by mail or his so that it is actually received on or before 5:00 pm, prevailing Pacific time entity (including individuals, partnerships, corporations, joint ventures, trusts a	on Magambar 13, 2006 for one	EPTED) THIS SPACE FOR COURT USE ONLY
BMC Group Attn: USACM Claims Docketing Center Attn: USACM Claims Docketing Center P. O. Box 911 El Segundo, CA 90245-0911 El Segundo	AČM Claims Docketing Center st Franklin Avenue do, CA 90245	
DATE SIGN and print the name and title, if any, of the interesting to file this proof of interest (attach copy of power of	older or other person authorized attorney, if any): William McCimoss:	The same of the sa

Penalty for presenting traudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 AND 3571

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA		PROOF OF INTEREST	
Name of Debtor:	Case Number:		
USA Capital Diversified Trust Deed Fund LLC	06-10727		
Name of holder of the Equity Interest (The person or entity holding an Equity Interest in the Debtor. Referred to hereinafter as the "Interestholder"): Bruce McGimsey	Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars.		
	Check box if you have never received any notices from the hankruptcy court or BMC Group in this case.		
	Check box if this address differs from the address on the envelope sent to you by the court.		
Telephone Number ()			
NOTE: This form SHOULD NOT be used to make a claim against the Dedicir Proof of Cialm form should be used for that purpose. This form should only interest in the Debtor. An Equily-Interest is any right solving from any capital security in any of the Debtor. An equity socially is defined in the Bankrupto corporation whether or not transferable or denominated stock or similar separtner in a limited partnership, or (c) warrant or right other than a right to subscribe to a share, security, or interest of a kind specified in subparagra	be used to assert an Equity at stock and any equity y Code as (a) a share in a curity, (b) Interest of a limited convert, to purchase, sell, or	if you have already filed a proof of interest with BMC, you do not need to file again. THIS SPACE IS FOR COURT USE ONLY	
Account or other number by which Interestholder identifies Debtor:	Check here if this claim:		
		ed Proof of Interest dated:	
Name and Address of any person or entity that is the record holder for	3. Date Equity Interest was ac	ed Proof of Interest dated:	
the Equity Interest asserted in this Proof of Interest: Bruce McGimsey c/o William L. McGimsey, Esc. 601 East Charleston Blvd. Las Vegas, NV 89104	08/01/02 08/01/03		
Telephone Number ()	1		
4. Total amount of member interest: 86,171,22	5. Certificate number(s):		
6. Type of Equity Interest:	1	- garage garage graph and applicable and applicable of the second	
Please indicate the type of Equity Interest you hold:			
Check this box if your Equity Interest is based on actual memb	er interest held in the Debtor.		
Check this box if your Equity Interest is based on anything else	Check this box if your Equity Interest is based on anything else and describe that interest:		
 SUPPORTING DOCUMENTS: <u>Altach copies of supporting documents</u>, s DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available. 	uch as stock certificates, option a e, explain. If the documents are v	igreements, warrants etc. voluminous, attach a summary.	
8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of this proof of interest.	your proof of interest, enclose a s	lamped, self-addressed envelope and copy of	
The original of this completed proof of interest form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).			
BMC Group Attn: USAGM Claims Docketing Center P. O. Box 911 1330 Ea	OR OVERNIGHT DELIVERY TO: Dup ACM Claims Docketing Center st Franklin Avenue Ido, CA 90245		
DATE SIGN and print the name and title, if any, of the interestream to file this proof of interest (attach copy of power or		From	

Penalty for presenting traudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 182 AND 3571